

CONSIDERATIONS

ON THE

INTENDED MODIFICATION

OF

POYNINGS' LAW.

By a Member of the Irish Parliament.

[Hervey Redmond Morres, 2d vicount Mountmorres]

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THE conduct of the Parliament of Ireland, during the course of this session; the wisdom and firmness they have displayed in representing their just claims; their temper, moderation and gratitude, when the object of national desire was obtained, place them deservedly in the highest estimation, if public virtue and genuine patriotism, unwarped by the spirit of party, deserve the praise and command the approbation of men.

That the emancipation from the commercial bondage of a century will conduce in the greatest degree to their future welfare and prosperity; that every proof of gratitude and acknowledgment is due to the late measures of the British Parliament, cannot be denied; but considerable as their merit has been to their own country, it has not been less to the British empire at large.

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Those restrictions, which local interest and narrow prejudice imposed upon their commerce being considered by the greatest commercial authorities in this country, with scarcely an exception to the rule, as highly detrimental to the interest of Great Britain.

It must therefore be the wish of an approving people, that their subsequent conduct may be reasonable and meritorious, that an assembly, that have grown upon their esteem, may not lose that earnest which they have given of the rectitude of their intentions, that it may not be forfeited by the prosecution of any measure which is not founded in the most liberal patriotism, and which will not tend to cement the union and operate to the mutual advantage of both countries.

In consequence of a misrepresentation, that the present desire of the Parliament of Ireland, relative to Poynings' Law, had a tendency to dissolve the connection between them and Great Britain, whereas the reverse of that position is the truth, the following considerations arose, which are submitted to the public eye by a plain man, desirous only of giving a fair representation of a subject little known, because little considered in this country.

From a laborious attendance on the proceedings of the Parliament of Ireland, the author of these Considerations is desirous that his country may reap some benefit: he claims no merit but that of fairness and impartiality;

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in the humble character of a writer, he wishes to be useful to others if not to himself, and to represent faithfully, and with truth, which seldom wears and never wants ornament.

Nothing but a misconception could give rise to the opinion that the intended modification of Poynings' Law could have the most distant tendency to dissolve the connection with Great Britain; but, however, the mistake deserves inquiry and attention? for the idea of the law, emphatically denominated Poynings' Law, is very different in the two countries. When they speak of Poynings' Law in Ireland, they mean that which regulates the passage of bills thro' the council: to Poynings' Law in this country they annex the idea of the adoption of the laws and customs of England antecedent to the reign of Henry the Seventh.

That this is not meer conjecture, but a well-founded opinion, will appear from an extract from the great historian of that reign, from Lord Bacon, whose opinion may well be supposed to take the lead upon this occasion.

“ But Poynings, the better to make compensation for the meagerness of service in the wars by the arts of peace, called a Parliament, where was made that memorable act which at this day is called Poynings' Law, whereby all the statutes of England were made to be of force in Ireland; for before they were not: neither are they now

“ in force in Ireland which were made in
“ England since that time, which was the
“ tenth year of the king.” Bacon’s History
of Henry VII. 67.

From the idea which is annexed to Poynings’ law in this country, therefore originates the opinion that any repeal or alteration of it would dissolve the connection between the two countries.

Before the reign of Henry the Seventh, laws were proposed and passed through the two Houses of Parliament in Ireland, and were assented to by the Lord Lieutenant in the same manner laws pass through the legislature of England.

But as the Lord Lieutenant and the council, who were their particular adherents, had often abused that power, as they had done it recently in the disputes between the houses of York and Lancaster, when the head of the York faction had been Lord Lieutenant, and had laws proposed and passed in Parliament to the prejudice and disinherison of the crown of England; and as the jealousy of Henry had been newly excited by the countenance which the Irish nation had given to the imposture of Perkin Warbeck, the pretended Duke of York, it became a necessary measure to controul that power; and to make the crown and the council of England a party previous to the proposing of laws in the Parliament of Ireland,

land, this law was intended as a restraint on the Lord Lieutenant and council of Ireland.

That this was the intention of the law is plain from the law itself; nor will it, it is hoped, be less clear from the following remarks, that the present moderate requisition of the people of Ireland will restore the original intention of this law, and take away the usurpation of that department which it was originally intended to restrain.

The 10th of Henry VII. chap. 4.

“ An act that no Parliament be holden in this land, until the acts be certified into England.” Rot. Par. c. 29.

“ *Item*, at the request of the Commons of the land of Ireland, be it ordained, enacted, and established, that at the next Parliament that there shall be holden by the King’s commandment and license, wherein, amongst other, the King’s Grace intendeth to have a general resumption of his whole revenues sith the last day of the reign of King Edward II. no Parliament to be holden hereafter in the the said land, but at such season as the King’s council and Lieutenant there first do certify the King, under the great seal of that land, the causes and considerations, and all such acts as them seemeth should pass in the same Parliament, and such causes, considerations, and acts, affirmed by the King and his council, to be good and expedient for that land, and his license thereupon, as well in affirmation of the

the said causes and acts, as to summon the said Parliament under his great seal of England had and obtained: that done, a Parliament to be had and holden after the form and effect afore rehearsed, and if any Parliament be holden in that land hereafter contrary to the form and provision aforesaid, it be deemed void and of no effect in law."

Thus by this law the King was made a party, and his previous consent was rendered necessary before such laws were proposed as were considered necessary to the calling of a Parliament in Ireland, but no law was to be proposed in the Parliament of Ireland which had not been previously sent by the council of Ireland and approved of by the King.

The extreme inconvenience of all the laws that were to be passed in the Parliament of Ireland, being previously concerted, caused a temporary repeal of Poynings' Law, by an act 28th of Henry VIII. c. 4.

The Parliament being prevented from considering any laws which had not been previously agreed upon, and disabled from proposing matters to be passed into laws, gave rise to the following act, under which, heads of bills or petitions to the throne for laws originated.

The 3d and 4th of Philip and Mary, c. 4.
Rot. Par. cap. 11.

" An act declairing how Poynings' Law shall be exponed and taken."

" Where

“ Where att a Parliament holden at Drogheda, the Monday next after the feast of St. Andrew the apostle, in the 10th year of the late King of famous memory, Henry VII. Grandfather unto our Sovereign Lady the Queen, before Sir Edward Poynings, Knight, the Lord Deputy of the realm of Ireland, an act among other things was enacted and made, for and concerning the order, manner, and form of Parliament, to be from henceforth holden and kept in this realm of Ireland, in form following, item, at the request of the Commons;” then follows a recital of Poynings’ law:—“ Forasmuch as sithence the making of the said act divers and sundry ambiguities and doubts have been made and risen upon the true understanding and meaning of the same; for the avoiding of which doubts and ambiguities, and for a full and plain declaration of the true meaning and understanding of the said act, be it ordained, enacted, and established, by authority of this present Parliament, that the said act, and every clause and article therein contained, shall, from the first day of September last past, be expounded, understood, and taken as hereafter followeth, that is to say, that no Parliament be summoned or holden within this realm of Ireland, until such time as the Lieutenant, Lord Deputy, Lord Justice, Lords Justices, Chief Governor or Governors, or any of them, and the council of the said

said realm of Ireland, for the time being, shall have certified the King and Queen's Majesty's, her heirs and successors, under the great seal of this said realm of Ireland, the considerations, causes, and articles of such acts, provisions, and ordinances, as by them shall be thought meet and necessary to be enacted and passed here by Parliament, and shall have also received again their Majesty's answer under their great seal of England, declaring their pleasure, either for the passing such acts, provisions, and ordinances, in such form and tenor as they should be sent into England, or else for the change or alterations of them or any part of the same.

“ And be it further enacted, by the authority aforesaid, that after such return made, and after licence and authority to summon a Parliament within the same realm of Ireland, granted under the great seal of England unto the said Lieutenant, or Lord Deputy, or other Lord Justice, Lords Justices, Chief Governor or Governors of the same realm of Ireland, for the time being, and not before, the same Lieutenant, Lord Deputy, Lord Justice, Lords Justices, Chief Governor or Governors, shall and may summon and hold a Parliament within this realm of Ireland, for passing and agreeing upon such acts and no other, as shall be so returned under the said great seal of England.

“ And forasmuch as many events and occasions

casions may happen during the time of the Parliament, the which shall be thought meet and necessary to be provided for, and yet at or before the time of the summoning of the Parliament was not thought nor agreed upon: therefore, be it further enacted and established, by the authority of this Parliament, that as well after every such authority and licence sent into this realm of Ireland, as also at all times after the summons; and during the time of every Parliament to be hereafter holden within the said realm of Ireland, according to the tenor and form of this act, the Lieutenant, Lord Deputy, Lord Justice, Lords Justices, Chief Governor or Chief Governors and Council of the same realm of Ireland, for the time being, shall and may certify all such other considerations, causes, tenors, provisions and ordinances as they shall further then think good to be enacted and established at and in the same Parliament, within the same realm of Ireland, to the King and Queen's Majesties, her heirs and successors, under the great seal of this said realm of Ireland, and such considerations, causes, tenors, provisions, and ordinances, or any of them as shall be thereupon certified and returned into the said realm, under the great seal of England, and no others, shall and may pass and be enacted here in every such Parliament, within this said realm of Ireland, in case the same considerations, causes, tenors, provisions and ordinances,

ces, or any of them be agreed and resolved upon by the three estates of the said Parliament, any thing contained in this present act or in the foresaid act made at Drogueda, to the contrary notwithstanding.

“ Provided always, and be it further enacted by the authority of this present Parliament, that all and every Parliament or Parliaments, summoned, kept and holden within this realm of Ireland, since the making of the said former act, in the said tenth year of the reign of the said late King Henry VII. and all and every act, acts, ordinances and provisions, made, passed, ordained, and enacted in the same, shall be and remain in such and the same force, strength, validity, and effect, to all intents, constructions, and purposes as if this act had never been had nor made: this act, or any thing therein contained to the contrary notwithstanding.

“ Provided also, that this act, or any thing therein contained, shall not extend or be meant to the defeating or hindrance of any the provisoes made in this session of this present Parliament.”

Various opinions have been entertained about the precise time when the custom of sending heads of bills to the Lord Lieutenant and Council took place, but the origin of this custom is referred by Lord Strafford, in his *Protest*, to these laws; and though he asserts

serts that the Deputy and Council may alter or reject the petitions as they shall think proper, yet he acknowledges, after a recital of the laws above mentioned,---that Parliament have a right, by remonstrance or petition, to represent to the Lord Deputy and Council, for the time being, such public considerations as they shall think fit and good for the Commonwealth, and submit them to be drawn into acts, and transmitted into England,* according to this idea, the heads of bills are now drawn up in the form of a petition, the words being always, " We pray that it may be enacted ;" but how far the Lord Lieutenant and Council may alter and reject them is the present question. It is alledged by many able and intelligent men that they cannot, or if they can, surely they ought not to be invested with such a power.

In early times, in both kingdoms, Parliamentary attendance was considered as extremely burthensome ; the frequent calling of Parliaments in Ireland particularly, was complained of ; to remedy this inconvenience was one of the principal objects of Poynings' Law, to prevent the Lord Lieutenants from convening those assemblies, without having the best grounds and reasons for it, as they had from the time of Edward II. been often convened without any necessity, and to answer

* Lord Strafford's Protest, *Journal of Lords of Ireland*, vol. x, p. 106.

the particular purpose of the chief governor.*

Both Poynings' Law, and the Act of Philip and Mary, are positive that they shall certify over to this country the considerations which shall arise to be passed into laws, both before, and during the sitting of Parliament; that is those propositions which shall be suggested to them by Parliament during the sessions. The right of the subject to petition for a redress of grievances, or for matters concerning the general good, is a right at common law; those heads of bills were considered even by Lord Strafford himself as petitions to the throne, and if the Lord Lieutenant and Council have a right to alter and to stop them, this innovation in the great principles of the constitution must be established by statute, but no words expressly give that power in the laws which are before cited.

The opinion of the legislature, in the act relative to the temporary repeal of Poynings' Law, by the 11th of Elizabeth, chap. 8. is clear, " that they placed that confidence in Sir Henry Sidney, his great travail and care for the advancement and glory of God, your Majesty's honour, and the utility of this your Highness' realm, and an undoubted hope that his Lordship would not seek the passing of any act but such as should tend to the further-

* Sir J. Davis's Speech. Leland's History of Ireland, vol. ii, p. 511.

ance of your Majesty's service, and the benefit of your Highness' realm, that they assented to the repeal of Poynings' Law, before which when liberty was given to Governors, under your Majesty's progenitors, to call Parliaments at pleasure, acts passed as well to the dishonour of the Prince, as to the hinderance of the subjects, the remembrance whereof would have stayed them from agreeing to the repeal of the said statute, were it not that the government of your Majesty's Deputy has been always and continueth such, as to all your Highnes' subjects giveth just cause to reckon what proceedeth through his motion to your Highnes, to be meant only for the honour of your Majesty, and the common benefit of the realm." The opinion of the legislature is therefore clear that the law was intended not to circumscribe the powers of Parliament, but to limit the power of the Lord Lieutenant and the Council, in passing laws without a previous participation with the Crown. The statutes relative to the repeal of Poynings' Law are added in the Appendix, that the reader may find that nothing is advanced without proof.

The general tenor of the present representations of the people of Ireland, in their instructions to their representatives, is to take away all unconstitutional interference between King, Lords, and Commons, by a modification of Poynings' Law, it is intended to be proved

proved that the claim of the Lord Lieutenant and Council, to alter or to stop heads of bills, without transmitting them to the King, is a usurpation and not a right: and it is contend-
ed that the intended modification is no innova-
tion, but a restoration of the primitive inten-
tion of Poinings' Law, videlicet, a restriction
of the power of the Lord Lieutenant and Coun-
cil of Ireland; but if this reasoning is not
founded, if the conclusion that they have no
right to alter or to stop heads of bills in the
Council does not follow from the premises, it
remains for us to offer a concluding word on
the reasonableness of the desire of the people
of Ireland, why the Lord Lieutenant and
Council should no longer be invested with a
power so injurious to the Commonwealth.

The practice which obtains at the beginning
of every new Parliament, to send a short
money bill from the Council, is now become
a matter of form and superfluous trouble, as
the House of Commons always make it a
rule to reject it; besides, it is often produc-
tive of disputes between the Government and
the House of Commons; every body knows
what mischiefs arose from the rejection of the
money bill, which originated in council in the
year 1769, and the resolution which passed
in consequence of it. That such a precaution
should have been deemed necessary to the hold-
ing of a Parliament in early times, when the
English government did not extend over a
fifth

fifth part of the island is very possible, but after the lapse of so many ages, and in the present matured state of Ireland, it may well be laid aside as useless and unnecessary.

This power, however, is so controlled, by the acknowledged right of the House of Commons, that it is not so immediately the object of the people of Ireland to abolish it; but the practice in passing bills deserves a more serious attention.

After heads of bills have been read three times in either House of Parliament, they are transmitted to the Lord Lieutenant and Council, who claim a right of adding to, diminishing, or totally suppressing them; if however they approve of them or think proper to change and garble them, they are sent over entire or mutilated to the King and Council of Great Britain; which board, and the department of the great law officers, through which they also pass, claim a right of making alterations: if they are approved of, they are sent back to the House where they took their rise, when they assume the form of a bill, and after being read three times, are sent to the Lords, and after being read again three times in that House, the Lord Lieutenant gives the royal assent, and they pass into a law; but it is to be observed that neither House of Parliament can alter an iota, after the heads of bills have once passed under the great seal of England.

Thus

Thus the power of the Council compleatly separates and divides the three estates one from the other ; this is that unconstitutional interference between King, Lords and Commons, which they the people of Ireland have instructed their representatives to reform. Their wish is to assimilate their constitution to that of England, as far as is consistent with their situation : that the heads of bills, after passing through both Houses, may be certified by the Council to his Majesty, without addition or diminution, and be either negatived by his Majesty, or returned, if approved of by him, in the same form in which it left Parliament.

As it is at present, the unconstitutional interference of the council prevents each House from having any thing more than a negative on the heads of bills which have passed in the other, the petitions of the representatives of the people to the throne for laws, are intercepted by the usurped power of the council, and they assume to themselves a power which the principles of the constitution have placed in his Majesty or in either House of Parliament, that of giving a negative to an act of Parliament.

The mischiefs that may arise from the abuse of this power to the crown, will occur necessarily to speculative men, nor is history silent on this head ; for the Lords Justices Parsons and Borlace, and the council in 1641, preventing

preventing the return of bills to the Parliament of Ireland, and of one in particular, relative to limiting the King's title in claims to lands to sixty years, and which had been purchased by the Parliament in Lord Strafford's administration, is considered by Mr. Carte, in his *Life of the Duke of Ormond*, as one of the principal causes of the Irish rebellion.* This bill, tho' purchased by the Parliament of Ireland in Lord Strafford's † time for three hundred thousand pounds, has never yet passed into a law, and there is no limitation whatever to the claims of the crown in Ireland.

The power of the council operates to restrain the undoubted right of the subject to petition their Sovereign. This right has been recognized in England, by act of Parliament, to be vested in the people at large, and when they had exercised this power in petitioning the King to dissolve the Parliament, upon the affair of the famous Kentish petition, in the year 1701, their right was declared in the most explicit manner by a resolution of the House of Commons.†

To apply this circumstance to the Parliament of Ireland, it is to be observed, that the forms of heads of bills are those of petitions

* *Carte's Life of the Duke of Ormond*, vol. I. book the 2d.

† *Strafford's Letters*.

† *Commons Journals*, vol. XIII. p. 767.

to the throne for laws ; and when a right honourable gentleman,* who is now in the most dignified situation, and must be considered as an honour and an ornament to his country, had asked leave to bring in heads of a bill, in the year 1758, to take away this claim of the council, which was refused to him, with some circumstances on the part of the then administration, which gave general offence, it was resolved unanimously by the House of Commons, that the heads of bills were petitions to the throne for laws ; that it was the undoubted birthright of the subject to petition the sovereign, and every attempt to alter or suppress those petitions was unwarrantable and unconstitutional.

This power, however, has since been exercised, and while such a custom remains, it must be clear to every man, that the right which is allowed to the meanest man in this country, or the greatest malefactor, of petitioning their Sovereign, if they do it with decency and propriety, is denied to the Parliament of Ireland in the important right of legislation.

From this plain state of the question, it appears, how very different it is from what it is generally supposed to be. The great question, relative to the power of the English legislature to bind Ireland, is by no means

* The Speaker of the House of Commons.

involved

involved in this : it would be totally foreign to the present enquiry to enter into that discussion. The power of the English Parliament to bind Ireland has been ever a disputable question. Two of the greatest statesmen, if not the greatest lawyers, this country ever produced, Lord Bacon, in a passage already cited, and Sir Heneage Finch deny it ; the one, thinks that the English statutes have the force of law in Ireland by the adoption of the Irish Parliament ; the other, that they are of force only by acquiescence, and their effect in Ireland may be repealed by an Irish act of Parliament.*

Whether or no the people of Ireland may think it necessary to counteract the declaratory law, the 6th of George I. by a declaration of their rights and privileges, and of the sole competence of their Parliament to make laws to bind them, or whether they will pass by a law which contradicts itself, which was an act of the greatest violence and absurdity, and which attempted to extend the omnipotence of Parliament, not only over right and justice, but over truth itself,† must be left to their good sense and judgment.

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But

* Opinion of Sir H. Finch on the Act of Settlement.
Carte's Ormond.

† The following charter of Edward III. is contrasted with the declaratory law the 6th of George I.

“ Whereas

But with regard to the present question, there is no doubt they owe the modification of Poynings' Law to themselves and their posterity. The act of the 11th of Elizabeth points out a way to make their application more powerful by the joint proceeding and credit of a majority of the two Houses of Parliament: they have before them the memorable example of the Scotch Parliament at the Revolution, who availed themselves of that crisis to emancipate themselves from the thralldom of the Lords of articles, an institution somewhat similar to the usurped power of the council of Ireland.

The time to pursue an object is when that object is attainable: they will be seconded in this by the public voice and supported by the public arm; they shall hereby secure the ad-

“ Whereas the House of Lords of Ireland have of late, against law, assumed to themselves a power and jurisdiction to examine, correct, and amend the judgments and decrees of the courts of justice in the kingdom of Ireland.”

Prynne on the Fourth Inst. page 287, 29th of E. III.

“ Edvardus, Dei gratia, &c. ex parte populorum fidelium nostrorum terræ nostræ Hiberniæ nobis est graviter conquerendo monstratum, ut cum ipsi damna & gravamina quam plurima a magno tempore sustinerint, quod errores in processibus placitorum in Parliamentis in eadem terra corrigi nequeunt, nec alias justitia inde comperi sine remedio in Anglia quærendo per quod pro quiete & indemnitate populi nostri in terra prædicta;” and then follow the regulations for determining writs of error in the Irish Parliament.” Thus what they had done under the charter of Edward III. and of which practice continued instances occur in their journals, was declared against law and a late practice.

vantages

vantages they have already obtained, by giving strength and permanency to the constitution: their virtuous efforts will be crowned with success; they shall be honoured by their contemporaries; succeeding ages shall bless their memory; and they shall be considered with the respect, reverence and veneration of an applauding posterity.

APPEN-

A P P E N D I X.

The Repeal of Poynings' Act, 28 Hen. VIII.

*An Act declaring the effect of Poynings' Act,
Rot. Par. cap. 31.*

The eleventh year of Eliz. Sef. 2. An Act authorising statutes, ordinances, and provisions to be made in this present Parliament concerning the government of the common weale, and the augmentation of her Majesties revenues, notwithstanding Ponynge's Act. Rot. Parl. cap. 8.

“ **I**N their most humble wise beseechen your most excellent Majestie, the lords spirituall and temporall, and all other your Highnesse most loving and obedient subjects the commons in this your high court of Parliament assembled: That wherein a Parliament holden at Drogheda, the Monday next after the feast of St. Andrew the apostle, in the tenth year of your most noble grandfather King Henry the Seventh, before Sir Edward Ponynge, knight, then lord deputy of this realm, it was amongst other things enacted, and established, “ That no Parliament should
“ be

" be holden in this realm, but at such season
 " as the King's lieutenant and councell here
 " did certifie the King, under the greate seal
 " of this realm, the causes and considerations,
 " and all such acts as them seemed, should
 " passe in the same Parliament, and such
 " causes, and considerations, and acts, affirm-
 " ed by the King and his councell to be good
 " and expedient for this realm, and his licence
 " thereupon as well in affirmation of the said
 " causes and acts as to summon the said Par-
 " liament, under his great seale of England
 " had and obtained ; that done, a Parliament
 " to be had and holden after the forme and ef-
 " feit afore rehearsed : and if any Parliamēt
 " bee holden in this realm contrarie to the
 " forme and provision aforesaid, it be deemed
 " voyd of none effect in the law." By occa-
 sion whereof no establisiments or provisions
 can be concluded by the bodie of your Maje-
 sties Parliament being assembled, but such
 onley as have been before their assembly certi-
 fied unto your Highnesse, and affirmed by the
 same ; and so the most grievous sores of this
 your Highnesse common wealth, which are
 best known to such as are and shall be appoint-
 ed to be of that high court, and most felt by
 them, cannot be conveniently reformed, as
 having not been before certified to your High-
 nesse : It may therefore please your Majestie
 of your most abundant grace, and for the
 princely zeale that your Highnesse hath ever
 tenderly

tenderly borne unto this your poore realm, that it bee enacted, ordeyned, and established by your most excellent Majestie with the assent of us the lords spirituall and temporall and commons in this present Parliament assembled, and by the authoritie of the same, That all and every the acts, statutes, ordinances, provision, thing and things, of what nature, name, condition, or qualitie the same shall be of, to be had, done, made, ordeyned, and established by the authoritie of this present Parliament, that shall concern the common weale of this realm, or of any province, territory, country, shire, member or part thereof, or any good orders for repression and reformation of enormities, vices, and abuses, that doe or may annoy this common weale, or any part or member thereof, or your Highnesse subjects resiant therein, or the better correcting or amending of defaults that shall bee seen to the sayd court of Parliament meet to be reformed for the ease of your Highnesse subjects, or the devise of wholsome ordinances for the correction and well ordering of the life and manners of your Majesties people here, or the establishment of civillicie, quiet, and order amongst your good and loving subjects, or the augmentation of your Majesties revenues, or the assurance of your Majestie, your heyres and successours, to any lands, tenements, hereditaments, casualties, commodities, or profits, which shall bee certified

tified unto your Majestie under your great seal of this your realm of Ireland, and by your Highnesse allowed and consented unto, and after returned unto Ireland under the great seal of England; and after openly proclaymed in the cities and townes of Dublin, Waterford, Cork, Lymerick, Drogheda, and Galway, shall immediately after the said proclamations in form aforesaid made and pronounced, and not before, bee good, effectuall, and of full force and validitie to all purposes, intents, and constructions; the sayd act made at Drogheda, or any other act or acts, constitution, use, law, prescription, or custome heretofore had, done, made, used, or continued within this realme to the contrarie of this present ordinance or establishment in any wise notwithstanding."

An Act that there be no bill certified into England, for the repeal or suspending of the statute, past in Poynings' time, before the same bill be first agreed on, in a cession of a Parliament holden in this realm, by the greater number of the lords and commons. Rot. Parl. cap. 18.

“ WHERE upon experiment of the right honourable Sir Henry Sydney, knight of the noble order of the garter, lord president of
 E Wales,

Wales, and lord deputie of this your Majesties realm of Ireland, his great travail and care for the advancement of the glory of God, your Majesties honour, and the utilitie of the commonwealth of this your Highnesse realm, and an undoubted hope, that his lordship would not seeke the passing of any act, but such as should tend to the furtherance of your Majesties service, and benefite of your Highnesse realm. Wee your Majesties subjects assembled in Parliament, assented to the repeal of a statute, passed before Sir Edward Poynings, lord deputie of Ireland, prohibiting eyther any Parliament to be summoned, or any act to be treated of in Parliament, before the acts were certified under the great seal of this your Majesties realm, and returned hither under the broad seal of England; before which statute, when libertie was given to the governours under your Majesties progenitors, to call Parliament at their pleasure, acts passed as well to the dishonour of the Prince, as to the hinderance of their subjects, the remembrance whereof would indeed have stayed us from condiscending to the repeal of the said statute, were it not that the government of your Majesties deputie, hath been alway, and continueth such as to all your Highnesse subjects, giveth just cause to reckon what proceedeth through his motion to your Highnesse, to be ment onely for the honour of your Majestie, and the common

mon benefit of this your realm, and therefore as we wrought safely, so did we willingly agree to the repeal of the said statute; but most gracious Sovereign, fearing that some governors hereafter should hap not to make answere unto the expectation of your Majestie, or your Highnesse heyres and successours, by whom hee should be appointed governour, and not following the example of your Highnes deputie, at these presents, will upon affection, or some other respect, abuse the like libertie given him. Wee your Majesties subjects now assembled in Parliament, do most humbly beseech your Highness, that it may please the same, that it may be enacted. And be it enacted, ordained and established, by your Majestie, with the assent of the lords spirituall and temporall, and the commons in this present Parliament assembled, and by the authoritie of the same, That hereafter in the government of any other deputie or governor, of this your Majesties realm, there be no bill certified into England for the repeal, or suspending of the said statute, passed when Sir Edward Poynings was lord deputie of Ireland, before the same bill be first agreed on, in a session of Parliament to bee holden within this realm, by the more number of the lords assembled in Parliament, and the greater number of the common house. And if there be that any act passed or to be passed thereupon, touching the repeal, or suspending of the said

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laid statute, passed in Sir Edward Poynings government, to be utterly void, and of no effect, to all purposes and intents."

N. B. These are all the statutes in the Irish statute book that relate to the repeal and confirmation of Poynings' Law.

F I N I S.

E R R A T A.

Page 3, line 19, add the following Note:

* Vide 10 Hen. VIII. c. 22.

Page 11, line ult. for vol. x. read vol. i.